

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES COTTON,

Plaintiff,

vs.

WADE STEPHENS JR. and
RAMON ESTEVEZ,

Defendants.

4:18CV3138

**MEMORANDUM
AND ORDER**

On September 16, 2020, the Clerk of the Court received a letter from Plaintiff, in which he requests the Clerk to notify the Controller at the Department of Correctional Services that Plaintiff is not obligated to pay a \$505.00 appellate filing fee, as directed by the court's Memorandum and Order of August 10, 2020. Treating Plaintiff's request as a motion to strike, it will be denied.

As explained in the previous Memorandum and Order, the Prison Litigation Reform Act makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal, and the appellate filing fee is assessed when the district court receives the prisoner's notice of appeal. This payment obligation is not released by a voluntary dismissal of the appeal. *See Morrison v. Jone*, No. 3:15-CV-588-J-39JBT, 2019 WL 1856996, at *2 (M.D. Fla. Apr. 25, 2019) (citing cases).

IT IS THEREFORE ORDERED:

1. Filing No. 106, Plaintiff's motion to strike the court's Memorandum and Order of August 10, 2020, is denied. Plaintiff's institution shall continue to collect the required payments and forward them to the court.

2. The Clerk's Office is directed to send a copy of this order to the appropriate official at Plaintiff's institution.

Dated this 17th day of September, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge